



DATE	PROCEEDINGS
2-27-70	Defendant's request for reduction of bond is hereby denied. (AEB-J)h
3-3-70	Writ of habeas corpus ad testificandum, <sup>as to Francis E. Breen</sup> returned & filed unexecuted. g
3-3-70	Subpoenas to 5 witnesses, served, returned & filed. g
3-6-70	Case stricken from docket of 3-17-70 and reset for sentence on 3-24-70
3-24-70	at 10:00 A.M. (AEB-J)h
3-24-70	Defendant present in person and represented.
	J&S- John Marvin Brewer (33)
	Atty Gen- 2 years. (AEB-J)h
3-24-70	Order of J&C filed and entered. (AEB-J)h
3-24-70	Two c.c. of above delivered USM.h
4-8-70	CC of J & B returned - defendant delivered to Tulsa County Jail
	on March 24, 1970 and to the U. S. Penitentiary at Leavenworth,
	Kansas on 4-4-70. b
6-16-70	Motion (letter) for reduction of sentence under Rule 35 of Federal Rules
6-16-70	of Criminal Procedure, filed. ds
6-16-70	Order, that motion pursuant to Rule 35, is overruled, filed. (AEB-J) ds
7-7-70	Plaintiff's motion to modify sentence, filed. ds & entered
7-13-70	Order overruling Motion pursuant to Rule 35 for modification of sentence filed. /
	(AEB-J)h

## UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma

## RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Benjamin B. Ballenger 411 U. S. Court House, Tulsa, Okla.  
(Name of commissioner) (Address)COMMISSIONER'S  
DOCKET NO. 2 CASE NO. 549  
THE UNITED STATES  
vs.

John Marvin Brewer

Complaint filed on 9-4-69, 19, by John E. Chenoweth, Jr.  
Official title: Special Agent, F. B. I., charging violation of  
United States Code, Title 18, Section 2312, on Aug. 26  
1969, at Miami, Okla., in the  
division of the Northern district of Oklahoma  
as follows: transported in interstate commerce from  
Kansas City, Mo., to Miami, Okla., a 1969 Chevrolet  
4 Door Sedan, VIN 164399S052913, he then knowing  
same to have been stolen.

(Here insert brief summary of facts constituting offense charged)

## WARRANTS OR SUMMONS ISSUED:

Date 9-4-69 Warrant/Summons for John Marvin Brewer  
(Name of defendant)  
to (name and title of officer) U. S. Marshal or any other authorized officer  
Substance of return Waived service of warrant before Commr. Burns at MiamiDate Warrant/Summons for  
to (name and title of officer)  
Substance of returnFILED  
17184  
DEC - 9 1969

## PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date Arrested by { on warrant of M. M. EWING, CLERK  
U. S. DISTRICT COURT  
(Name of issuing officer)  
without warrant.Appearances { for United States Hubert H. Bryant, Asst. U. S. Atty.  
(Name) (Address)  
for accused  
(Name) (Address)Proceedings taken 9-16-69 Defendant John Marvin Brewer present in person and  
(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"represented by James M. Robertson, at the request of the defendant and his  
if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"  
attorney the preliminary hearing (which had been set by U. S. Commissioner  
if that is the fact; any adjournments taken, etc.Charles F. Burns, his no. 1-346) passed until September 25, 1969 at 9:00  
A. M.9-25-69 9:00 A. M. Defendant, John Marvin Brewer present and not represented  
by counsel. James M. Robertson calling and stating he did not represent the  
defendant. Defendant requested Court appointed counsel. Affidavit signed  
and Robert S. Rizley appointed to represent the defendant; Preliminary  
hearing passed to Monday, October 6, 1969 at 9:30 A. M.

Outcome released on bond posted before Commr. Burns

Bail fixed 9-8-69, 19, Amount, \$ 5000.00 Bonded 9-8-69, 19, by cash  
deposited by (name) Address  
transmitted to clerk of district court, 19, [or] by surety  
(name) Address  
(name) Address, who  
justified by affidavit dated, 19, [or] committed to  
on, 19,

SUBPOENAS FOR WITNESSES ISSUED:

\_\_\_\_\_, 19\_\_\_\_, for (name of witness)\_\_\_\_\_  
at request of (name of party)\_\_\_\_\_  
Substance of return\_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_, for (name of witness)\_\_\_\_\_  
at request of (name of party)\_\_\_\_\_  
Substance of return\_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_, for (name of witness)\_\_\_\_\_  
at request of (name of party)\_\_\_\_\_  
Substance of return\_\_\_\_\_

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date\_\_\_\_\_Appearances for\_\_\_\_\_

United States (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
Accused (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing\_\_\_\_\_names certified to United States Marshal for payment\_\_\_\_\_, 19\_\_\_\_

Proceedings taken **10-6-69 Preliminary hearing passed to 10-10-69 at 9:30 A. M.**

**11-10-69 Preliminary hearing passed until 11-24-69 at 9:30 A.M.**

**11-24-69 Preliminary hearing passed to 12-1-69 at 9:30 A. M.**

**12-1-69 at 9:30 A. M. Defendant John Marvin Brewer present in person and represented by W. Fred Phillips of Miami, government represented by Hubert H. Bryant. Defendant says that W. Fred Phillips of Miami is not his attorney. Van Raulston, attorney in fact for United Bonding Insurance Company surrenders defendant on bond. Bond exonerated and new bond fixed at \$10,000.00 cash or surety. Phillips released as attorney. Preliminary hearing passed to 12-2-69 at 9:00 A. M. and Kenneth G. Stainer appointed as Atty. for deft. 12-2-69 Defendant present and rep. by Kenneth G. Stal govt. rep. by Hubert Bryant. John E. Chenoweth, Jr., Sworn and testified.**

Outcome. **Deft advised as to his right to furnish witnesses & testify and refus**

Bail fixed. **Commissioner finds probable cause shown and deft. committed it,** by cash deposited by (name) **Final Commitment issued.** Address\_\_\_\_\_

transmitted to clerk of district court\_\_\_\_\_, 19\_\_\_\_

[or] by surety (names)\_\_\_\_\_Address\_\_\_\_\_

and\_\_\_\_\_Address\_\_\_\_\_

who justified by affidavit\_\_\_\_\_, 19\_\_\_\_Committed to\_\_\_\_\_

on\_\_\_\_\_, 19\_\_\_\_

Certified to be a correct transcript.

Made this **9th** day of **December 9th**, 19 **69**

Transmitted to Clerk of United States District Court for the **Northern** district of **Oklahoma**, **December 9th**, 19 **69**

*Benjamin B. Ballenger*  
Benjamin B. Ballenger

United States Commissioner.